

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII**

In the Matter of

**PUBLIC UTILITIES COMMISSION**

Instituting a Proceeding to Investigate the  
Implementation of Feed-in Tariffs

Docket No. 2008-0273

**MOTION TO INTERVENE OF SEMPRA GENERATION**

**AND**

**CERTIFICATE OF SERVICE**

PUBLIC UTILITIES  
COMMISSION

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November 13, 2008

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**I. INTRODUCTION**

Pursuant to the Order Initiating Investigation ("OII") issued on October 24, 2008, and the Rules of Practice and Procedure Before the Public Utilities Commission, HAR Chapter 6-61, Sempra Generation hereby moves to Intervene in the above-captioned proceeding and to participate therein as a Party. In support of its Motion to Intervene, Sempra Generation provides the information required by HAR 6-61-55.

**II. GROUNDS FOR MOTION**

**1. Nature of Sempra Generation's statutory or other right to participate in this proceeding.**

The Supreme Court of Hawaii has long recognized that intervention in matters before this Commission is not a matter of right, but rather of the Commission's discretion. *In re Hawaiian Electric Company*, 56 Haw. 260 (1975). However, the Commission is constrained in the exercise of its discretion by the requirement to not act in a manner that is either arbitrary or capricious. *Id.* at 263. As discussed below, Sempra Generation believes that good cause exists for the Commission to permit discretionary intervention in this matter.

**2. The nature and extent of Sempra Generation's property, financial, and other interest in this proceeding.**

As a developer of renewable generation, Sempra Generation has a potential interest in investing in Hawaii's renewable energy infrastructure. Such investment includes not only the physical infrastructure, but also the technology and the operational skill to maximize the benefit to ratepayers from the renewable facility. A properly designed feed-in tariff could provide a valuable tool for recovering the costs of such investment and for earning a fair return on that investment and for understanding the rules of the road in respect to working with both the local utility and the Commission to ensure the project's success.

**3. The effect of the pending order as to Sempra Generation's interest.**

The proposed feed-in tariffs could be a key driver of the decision whether to invest in Hawaii's renewable energy infrastructure because feed-in tariffs could create certainty as to pricing and interconnection requirements, thereby facilitating renewable investments, consistent with public interest of the State of Hawaii.

**4. The other means available whereby Sempra Generation's interest may be protected.**

Although Sempra Generation anticipates that, along with the incumbent utilities, other developers of renewable generation may participate in this proceeding, such parties are potential counterparties to future transactions with Sempra Generation and/or competitors with potentially adverse competitive objectives. Thus, those Parties have interests that diverge from the interests of Sempra Generation. It is also possible that industry trade groups or associations may choose to intervene. However, those parties represent the broad interests of the industry in general and not the particular interests of any one member. Because the issues at stake are so critical to Sempra Generation's interest, because its interests are unique, and because no other potential

party will have interests that are aligned with Sempra Generation's proprietary interest, participation by direct intervention is the only means of fully protecting the specific interests of Sempra Generation in this proceeding.

**5. The extent to which Sempra Generation's interest will not be represented by existing parties.**

See response to item II.4. Although there may be some common objectives among various parties, those parties are also likely to have overriding competitive interests that are adverse to Sempra Generation.

**6. The extent to which Sempra Generation's participation can assist in the development of a sound record.**

Sempra Generation has considerable experience in the development, construction and operation of generation facilities including both renewable and non-renewable. Sempra Generation currently has projects under development throughout the Western Electricity Coordinating Council including solar, wind and biomass projects. As such, Sempra Generation brings knowledge and experience in the technological, regulatory, environmental and financial aspects of developing renewable generation. Such knowledge and experience should prove valuable to the creation of a robust administrative record for this proceeding.

Sempra Generation anticipates that it will actively participate in the process described in the Order Initiating Investigation, whereby the Parties to this proceeding will collaborate on the development of a stipulated procedural order setting forth the proposed issues, procedures and schedule. Sempra Generation envisions contributing by providing input into the tariff rules and language, through the submission of written comments where appropriate, and through briefing on any legal issues that may arise. Sempra Generation is aware of the Commission's desire to conclude this proceeding no later than March 31, 2009 and believes that it can make focused,

informed contributions to the proceeding that will help achieve that goal as well.

**7. The extent to which Sempra Generation's participation will broaden the issues or delay the proceeding.**

Sempra Generation does not anticipate that its participation will unduly broaden the issues or delay the proceeding. Because Sempra Generation generally believes that properly designed feed-in tariffs can be a useful tool, its interest is aligned with the interest of the utilities and the consumer advocate. Any issues that might be raised by Sempra Generation from the developer's perspective would be relevant and material to the development of a robust record and to the Commission's informed decision-making in this matter.

**8. The extent to which Sempra Generation's interest in the proceeding differs from that of the general public.**

Sempra Generation believes in the development of reliable, environmentally-sound renewable generation at the lowest possible cost to consumers. Therefore, Sempra Generation believes that its interests in this proceeding are compatible with the public interest. As a developer of renewable generation, Sempra Generation is concerned with development of tariff rules that provide the opportunity to earn a fair return on any capital it may invest in renewable generation for Hawaii. Sempra Generation may be able to offer insights based upon its perspective and experience as a generation developer, including what is necessary to earn a fair rate of return and attract necessary investment, that naturally differ from the perspectives that are available from the general public.

**9. Whether Sempra Generation's position is in support of or in opposition to the relief sought.**

Sempra Generation supports the development of properly designed feed-in tariffs.

### **III. RELIEF REQUESTED**

WHEREFORE, Sempra Generation respectfully requests that it be granted intervention in this proceeding and accorded Party status, along with such other relief as the Commission may determine is necessary and just.

### **IV. HEARING NOT REQUESTED**

Pursuant to HAR 6-61-41(b), Sempra Generation does not request a hearing on its Motion to Intervene.

Respectfully submitted,



Theodore E. Roberts

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November 13, 2008

## CERTIFICATE OF SERVICE

The foregoing **MOTION TO INTERVENE OF SEMPRA GENERATION AND CERTIFICATE OF SERVICE** was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

Catherine P. Awakuni  
Executive Director  
Dept. of Commerce & Consumer Affairs  
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Dated at San Diego, California, this 13<sup>th</sup> day of November, 2008.

  
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Joel Dellosa



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November 11, 2008

Hawaii Public Utilities Commission  
Docket Office  
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Honolulu, Hawaii 96813

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PUBLIC UTILITIES  
COMMISSION

**Re: Docket No. 2008-0273**

Dear Docket Office:

Enclosed please find an original and eight (8) copies of the Motion to Intervene of Sempra Generation and Certificate of Service. This is being delivered via Federal Express priority overnight mail. Please return one conformed copy in the enclosed self-addressed, postage paid envelope.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore E. Roberts".

Theodore E. Roberts  
Attorney for Sempra Generation

Encl.